

REMARKS

By this Amendment, Applicant amends claims 1, 4, 5, 14, and 16. Applicant also cancels claims 2 and 3, and hence, claims 1, 4-9, and 14-18 are all the claims pending in the application.

Claim Rejections - 35 U.S.C. § 101

Claims 1-9 and 18 are rejected under 35 U.S.C. § 101 because the claimed invention is allegedly directed to non-statutory subject matter. Applicant respectfully traverses the rejection.

Claim 1 recites, *inter alia*, “by a home agent of a network device, constructing a home-state set.” Paragraph 24 of the specification describes that a home agent serves as an embodiment of an apparatus which performs the home-state information creating method. Also, paragraphs 62 to 67 and FIG. 6 of the specification describe that the home agent is a software or hardware module mounted on a home gateway.

Accordingly, Applicant respectfully submits that claim 1 satisfies the “machine prong” as set forth in the *Bilski* case because the method claim 1 is performed by a home agent of a network device, as recited in the claim and as made clear in light of the specification. As a result, Applicant respectfully submits that claim 1 is tied to a statutory category of subject matter, and hence, claim 1 and its dependent claims satisfy 35 U.S.C. § 101.

Claim Rejections - 35 U.S.C. § 102

Claims 1, 16, and 18 are rejected under 35 U.S.C. § 102(e) as allegedly being anticipated by Gonzales et al. (U.S. Pub. 2003/0074088, hereinafter “Gonzales”). Applicant respectfully traverses the rejection.

Applicant has invented an architecture in which device profiles are provided to easily express an entire home state.

In a conventional home network, many devices exist on the home network, and each of the devices possess their own capabilities and functions. As such, each of the devices independently transmit their own unique state information to a central controller. Thus, separate device state information is independently transmitted to the central controller with each device state information being independent of each other. Accordingly, when using a model employing the conventional state information in the home network, it is difficult to express an entire home state using the device independent information.

Accordingly, claim 1 recites, *inter alia*:

wherein the home-state set comprises **common profiles** of each of the home-state information sources, **each of the common profiles including characteristics common to all of the home-state information sources** and a value for each characteristic that is unique to the home-state information source, and

wherein operation a) comprises a1) constructing **unique profiles** of home-state information sources, **each of the unique profiles including characteristics of a home-state information source that are *not* common to all of the home-state information sources** and a value for each characteristic that is unique to the home-state information source.

However, Gonzales neither teaches nor suggests the combination of features recited in claim 1. This is because Gonzales does not disclose that devices on the home network possess common profiles having characteristics common to all devices on the home network and unique profiles having characteristics that are not common to all devices on the home network. Rather, Gonzales discloses programming devices in a home as scenes in which each device on the

network is set to a particular level. *See* Gonzalez, ¶ 4. In Gonzales, once each of the devices is individually adjusted to a particular setting level to create, the scene is set. *See* Gonzalez, ¶ 10.

In other words, Gonzales discloses that each of the devices has a specific set of unique characteristics. For example, lights may be set to an intensity level of 50% or 100%, whereas a television may be set to a particular channel. *See* Gonzalez, ¶ 4. As such, Gonzales is nothing more than an example of the prior art failures in which device independent information is used for home automation. Therefore, Gonzalez fails to teach or suggest “common profiles of each of the home-state information sources, each of the common profiles including **characteristics common to all of the home-state information sources**,” as required by claim 1. Rather, each home device in Gonzalez is set based on the individual settings available to itself, with no teaching or suggestion of a common profile for each device having “characteristics common to all” of the home devices.

Accordingly, Gonzales fails to teach or suggest all the features of claim 1, and hence, claim 1 and its dependent claims would not have been anticipated by Gonzales for at least these reasons.

Independent claims 16 and 18 recite features similar to those discussed above regarding claim 1, and hence, claims 16, 18, and their dependent claims also would not have been anticipated by Gonzales for at least reasons analogous to those discussed above regarding claim 1.

Claim Rejections - 35 U.S.C. § 103

Claims 2-9, 14, 15, and 17 are rejected as allegedly being unpatentable over Gonzales in view of Maxson (U.S. Pub. 2002/0171762). Applicant respectfully traverses the rejection.

Claims 4-9, 14, 15, and 17 depend on claims 1 and 16, respectively, and incorporate all the features of claims 1 and 16, which recite in some form, *inter alia*, “common profiles of each of the home-state information sources, each of the common profiles including characteristics common to all of the home-state information sources and a value for each characteristic that is unique to the home-state information source.”

Maxson merely discloses a home theater network system (HTNS) which functions as a hub for controlling various AV devices. *See* Maxson, ¶¶ 42-43. Accordingly, like Gonzales, Maxson is also nothing more than an example of the conventional scheme in which devices connected to the HTNS transmit their own state information to the central HTNS. Therefore, even if Gonzales could have somehow been modified based on Maxson, as the Examiner asserts in the Office Action, the combination would still not contain all the features of claims 1 and 16, and hence claims 4-9, 14, 15 and 17, as discussed above. Accordingly, claims 4-9, 14, 15 and 17 would not have been rendered unpatentable by the combination of Gonzales and Maxson.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Date: **April 3, 2009**